



Correspondence Between Staff and Applicant

Approval Letter



February 6, 2020

Chris Clonts
Lennar Arizona, Inc./Chris Clonts
890 W. Elliot Rd Ste 101
Gilbert, AZ 85233

Re: 2-AB-2019
Paseo at Pinnacle Peak Abandonment

Dear Chris Clonts,

This is to advise you that the case referenced above was approved at the February 4, 2020 City Council meeting. The City Council related documents may be obtained from the City Clerk's office located at 3939 N. Drinkwater Blvd. Scottsdale, AZ 85251 or by entering the document number through the city website @ <https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-7849.

Sincerely,

Jesus Murillo
Senior Planner

APPLICANT RESPONSES TO 1ST REVIEW COMMENT LETTER



March 17, 2019

RESUBMITTAL DATE: 9/13/19

Chris Clonts
Lennar Arizona, Inc./Chris Clonts
890 W. Elliot Rd Ste 101
Gilbert, AZ 85233

RE: 2-AB-2019
Paseo at Pinnacle Peak Abandonment
J6603 (Key Code)

Dear Mr. Clonts:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on February 7, 2019. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please revise project narrative to include staff's comments for the proposed abandonment request. Please review the graphic below in paragraph 7, to better establish the entitlements to complete the end goal.

RESPONSE: The legal description for the subject abandonment has been revised per discussion with City staff. The updated description is consistent with the area demarcated by a red dashed line in the exhibit below.

2. Staff will not support the abandonment of the area as described in the provided legal graphic and legal description. The abandonment request should only include the area that will not be required for the proposed street alignment improvements. Please update the legal graphics and legal description to remove the portion of the request as depicted in paragraph 7.

RESPONSE: The legal description has been updated and is provided with this resubmittal.

3. Please provide an appraisal, executed by an officially registered party, to provide an appropriate consideration for the proposed abandonment areas (ARS Section 28-7208). The applicant may also come to an agreement with the City of Scottsdale Real Estate department on the value of the proposed abandonment area. Staff can not accept the argument that the land is of no value.

RESPONSE: Awaiting City determination

4. Please provide evidence of the agreement to redirect the ownership of the proposed right-of-way area. Please update the project narrative to demonstrate how proposed abandonment request will satisfy the requirements and process of ARS 28-7205.

RESPONSE: The applicant has provided a letter from the adjacent La Vista at Pinnacle Peak Homeowners Association stating that the HOA has agreed to accept ownership of the abandonment area. A copy of this letter has been included with the resubmittal.

5. The Applicant provided the Neighborhood Notification Checklist, and the information of how the applicant proposed completing the notification but did not provide the notification required information (i.e. neighborhood report). Please provide the neighborhood report (Ordinance Sec. 1.305).

RESPONSE: An outreach report has been provided with this resubmittal

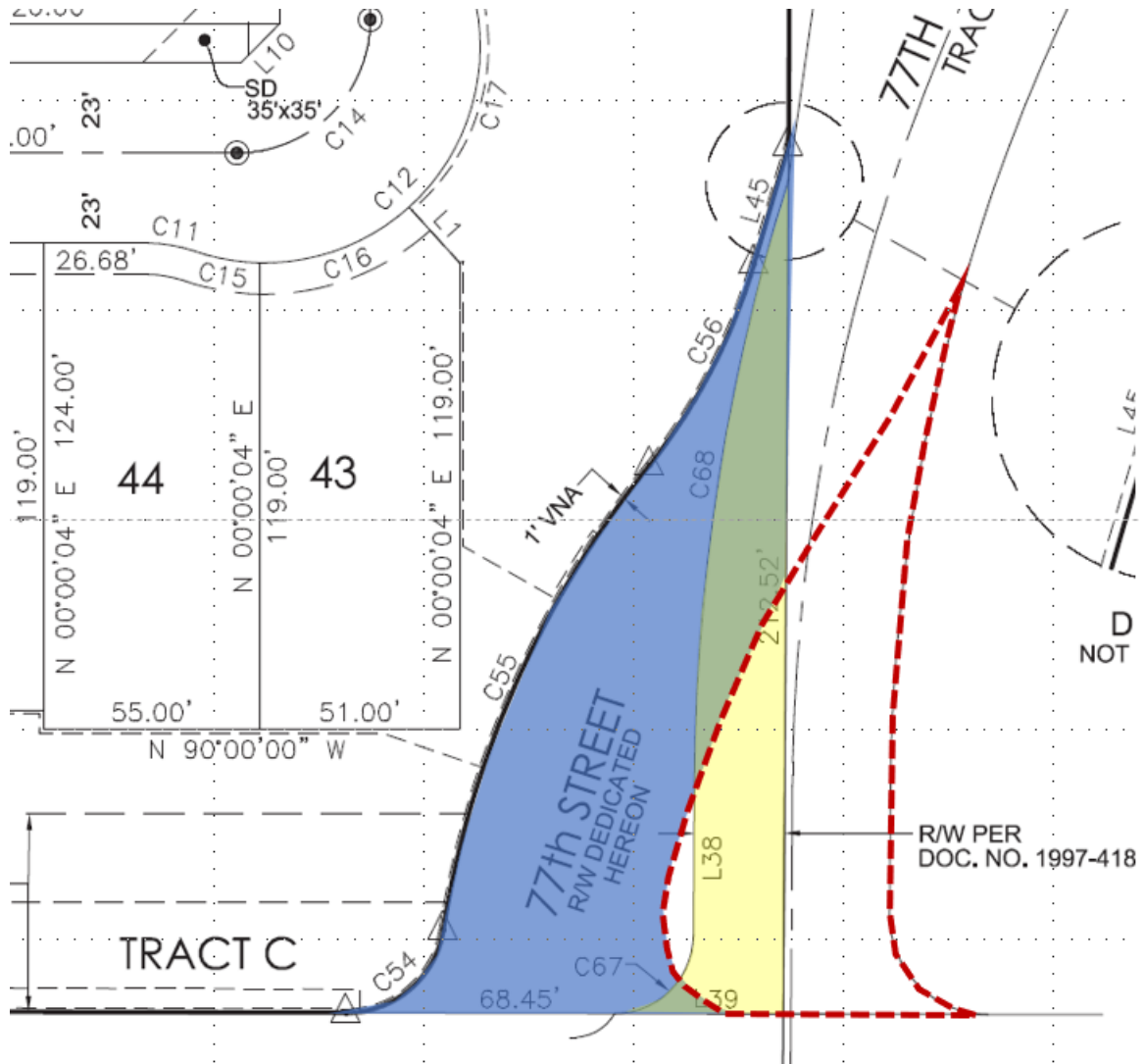
6. With the 2nd submittal packet, please provide Complete and updated Commitment for Title within the last 30 days, for subject parcel **216-67-191**. The "Proposed Insured" shall be the City of Scottsdale and the "Amount" shall be the estimated value of the property (DSPM Chapter 1, Section 1-1.403.G).

RESPONSE: Updated Title commitment has been provided with this resubmittal.

Legals:

7. The "yellow" area below depicts the proposed abandonment area as described in the case provided legal graphic and legal description. The "blue" area depicts the area required for the realignment of N. 77th Street, as per the Paseo at Pinnacle Peak improvement plans (4809-18-1). The overlap area between the "yellow" and "blue" areas is required for public access and should be removed from the abandonment request. The "red dashed" area depicts staff understanding of the correct abandonment area. Please review staff's analysis and update the legal graphics and legal description accordingly.

RESPONSE: The legal description has been updated and is provided with this resubmittal.



Circulation:

8. The owner will likely be required to dedicate a non-motorized public trail easement over the wash located on the property. The easement should match the existing drainage easement (DSPM Sec. 8-3.200, Trail Classifications, 8-3.203; 2004 Trails Master Plan, Trail Network).

RESPONSE: The applicant has secured three signed and notarized easement agreements from the La Vista HOA (Sight distance, non-motorized access, scenic corridor). The subject abandonment area will ultimately be deeded to the La Vista HOA from the Paseo HOA, at which time the aforementioned easements will be recorded by the City. Copies of these materials have been provided with the resubmittal for reference, and original fully executed copies will be provided prior to the recordation process.

9. Please utilize a dashed line to indicate the sight distance visibility triangles on the landscape plan. Please refer to the Plan & Report Requirements for Development Applications. Please refer to the Scottsdale Design Standards & Policies Manual Section 5-3.119. Please refer to Zoning Ordinance Section 1.305.

RESPONSE: A sight distance easement description has been provided with this resubmittal.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

10. Please provide for reference, the final design of N. 77th Street, after the realignment. Please provide a detail including: where the street alignment is relative to the existing and new right-of-way/tract, how the new alignment lines up with the existing driveway to the south, and street cross section.

RESPONSE: An exhibit depicting the abandonment area, the new 77th Street alignment and the existing driveway to the south has been provided with this resubmittal.

Circulation:

11. Owner will likely be required to dedicate a Non-motorized Public Access Easement and Scenic Corridor Easement over a portion of the final abandonment area tract to be in conformance with the easements dedicated as per the Paseo at Pinnacle Peak final plat.

RESPONSE: ok

Legal:

12. The proposed abandonment area will likely be required to be replatted into the "La Vista" subdivision plat.

RESPONSE: ok

13. The owner will likely be required to dedicate any utility easements if utilities exist within the proposed abandonment area.

RESPONSE: ok. Existing easements will be maintained. New easements will be dedicated where necessary.

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

In an effort to get this Abandonment request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 26 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-7849 or at jmurillo@scottsdaleAZ.gov.

Sincerely,

Jesus Murillo
Senior Planner

cc:

ATTACHMENT A
Resubmittal Checklist

Case Number: **2-AB-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

Digital submittals shall include one copy of each item identified below.

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (CD/DVD, PDF format)
- ☒ One copy: Revised Narrative for Project
- ☒ One copy: Commitment for Title Insurance
- ☒ Paseo at Pinnacle Peak Improvement Plans (for reference):

1	24" x 36"	1	11" x 17"	1	8 ½" x 11"
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- ☒ Street Cross Sections:

1	24" x 36"	0	11" x 17"	1	8 ½" x 11"
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- ☒ Scenic Corridor Graphic

1	24" x 36"	0	11" x 17"	1	8 ½" x 11"
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August 29, 2019

Jesus Murillo
City of Scottsdale
Planning, Neighborhood, and Transportation
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Abandonment of Right of Way: La Vista at Pinnacle Peak

Jesus

The La Vista Homeowners Association has been in negotiation with Lennar Homes regarding the abandonment of the existing 77th Street Right of way, north of Pinnacle Peak Road. At our meeting of the Board of Directors held on August 27, 2019, the Association approved a temporary construction easement with Lennar Homes for the purpose of removing the 77th Street pavement improvements and the re-vegetation of this same area. The Association also approved the requisite easements for sight visibility and scenic corridor requested by the City of Scottsdale. We authorized one of the board members to sign the documents on behalf of the Association.

At the same meeting, the La Vista at Pinnacle Peak Homeowners Association agreed to accept ownership and maintenance responsibility of the abandoned rights-of-way. I was authorized by the board to prepare and send this letter.

Should you have questions or require additional information, please contact me.

Respectfully,



Michael Bronska
Secretary of the Board
La Vista at Pinnacle Peak Homeowners Association
Michael.bronska@gmail.com
602.818.6647

4148 North Arcadia Drive
Phoenix, AZ 85018